

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – March 9, 2007
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:09 a.m., recessed at 10:10 a.m., reconvened at 10:37 a.m. and adjourned at 12:38 a.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods

Commissioners Absent: None

Advisors Present: Areigat (DPW); Mehnert (OCC)

Staff Present: Pryor, Grunow, Loy, Muto, Murphy, Russell, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of February 23, 2007.

Action: Riess - Brooks

Approve the Minutes of February 23, 2007.

Ayes: 6 - Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 1 - Beck

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

There were none.

D. Formation of Consent Calendar: Item 1

POD 06-002, Agenda Item 1:

1. Amendments to the San Diego County Zoning Ordinance Relating to the Regulation of Cargo Containers POD 06-002 (Continued from February 23, 2007)

Code amendments are being proposed to the County of San Diego Zoning Ordinance in order to ensure that cargo containers are compatible with surrounding land uses and the community character.

Staff Presentation: Murphy

Proponents: 0; **Opponents:** 3

This Item has returned to the Planning Commission today to ensure that the intent of the Commission's February 23, 2007 action is clear: the language Staff has prepared to clarify the Commission's recommendations applies only to residential - not agricultural - uses.

Action: Day – Riess

Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the CEQA Guidelines for the reasons detailed in the Notice of Exemption dated January 31, 2007 on file with the Department of Planning and Land Use as POD 06-002; and,

1. Recommend that the Board of Supervisors adopt the Form of Ordinance amending the San Diego County Zoning Ordinance to define and regulate cargo containers, with the following stipulations:
 - Staff is to include language in Section 6162(b)(5) to make it clear that the required solid color will blend with the surrounding environment.
 - In areas where the residence is the primary structure, cargo containers shall be located behind the primary residence.
 - In areas where the residence is the primary structure, cargo containers are permitted on sites greater than 2.0 acres, subject to the restrictions specified in the cargo container ordinance. On sites of less than 2.0 acres, cargo containers shall be permitted subject to the provisions of the cargo container ordinance, provided that the total size of the cargo containers does not exceed 320 square feet. Further, the containers are only temporary and must be removed within 6 months from the date of installation.

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POD 06-002, Agenda Item 1:

Ayes:	6 -	Beck, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Brooks

AD 05-038, Agenda Item 2:

2. Appeal of Bonsall Horse Barns; Administrative Permit (AD) 05-038, Bonsall Community Planning Area

The project is an Administrative Permit to allow for two private use horse barns with a total of 60 rooms/horse stalls and a total square footage of 17,697. An 11,520 square-foot 40-stall horse barn is proposed for the western portion of the parcel. This barn will include a 2,160 square-foot second story for hay storage. A second barn will be located near the south-easterly portion of the property and will measure 6,177 square feet. This single-story 20 stall horse barn will include a hay and equipment storage area as well as a tack room and buggy storage area. The site is subject to the General Plan Regional Category 1.3 (EDA) Estate Development Area and General Plan (19) Intensive Agriculture. Zoning for the site is A70 (Limited Agricultural). The site contains an existing single-family residence that will be retained. Access will be provided by a driveway connecting to Aqueduct Road. Earthwork will consist of cut and fill of 12,000 cubic yards of material to accommodate the barns and associated riding arenas. The proposed project is located at 31910 Aqueduct Road at the intersection of Calle de Talar. The applicant requested a continuance from the January 26th hearing to February 9th to have adequate time to review the newly submitted materials

Staff Presentation: Ramaiya

Proponents: 19; **Opponents:** 11

The applicant has requested that he be allowed to withdraw his application. The appellant's legal representative voices concerns about this request because the Minor Use Permit has already been granted by the Zoning Administrator. He recommends that the Planning Commission consider and deny the appeal instead of allowing the applicant to withdraw it. County Counsel shares these concerns, but believes they can be resolved by having the applicant agree to a withdrawal request prepared by Counsel. The applicant's legal representative accepts Counsel's recommendation.

Action: Woods – Riess

Continue consideration of AD 05-038 to the meeting of 03/23/07, to allow Counsel to prepare a withdrawal agreement for the applicant's signature.

AD 05-038, Agenda Item 2:

Discussion of the Action:

The appellant's legal representative believes that the Planning Commission should take jurisdiction of this matter to ensure that any subsequent activity on the project site is brought back to the Commission. Staff ensures the Planning Commission that Building Division representatives will be instructed to ensure that no Permits are issued on this project without action from the Planning Commission.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

Following the Planning Commission's vote, Staff points out that an enormous amount of misinformation has been dispensed regarding alleged Zoning Ordinance amendments pertaining to horses, barns and/or accessory structures. Staff assures the Commission that no such amendments are being considered or proposed.

In response to questions from the audience as to whether horse-keeping or private stables are accessory to residential uses, Staff clarifies that when the applicant engages in sales, it is considered a commercial endeavor and no longer an accessory use. The applicant and several members of the audience are unhappy with this clarification and voice their beliefs that the Board of Supervisors should adopt a policy that allows horse sales by right. Commissioner Woods informs the speakers that they should follow up on this as a community. Chairman Kreitzer agrees with Commissioner Woods but reminds those in attendance today that land use proposals resulting in major changes to communities or neighborhoods require Major Use Permits.

SPA 99-005, R99-020, TM 5187RPL¹¹
and P04-024, Agenda Item 3:

3. Pala Mesa Highlands; Specific Plan Amendment (SPA 99-005), Zone Reclassification (R99-020), Tentative Map (TM 5187RPL¹¹), Major Use Permit (P04-024), Fallbrook Community Planning Area

The project is a Planned Residential Development (PRD) of 124 units and related recreational facilities on 84.6 acres and within areas C, D, and E of the Pala Mesa Private Development Plan (PDP). The PDP has the (21) Specific Plan Area Land Use Designation with overall density of 2.75 dwelling units per acre. A Specific Plan Amendment, SPA 99-005, would combine Areas C, D, and E and establish a density of 1.5 dwelling units per acre. The PDP limitation on the number of bedrooms for each unit in Areas C and E would be deleted. A concurrent Rezone, R99-020, is proposed to update the A70, RS7, and Provisional RV3 and RV4 (Variable Residential zoning with no minimum lot size) to the S88 Specific Plan Use Regulations with a net density of 1.7 dwelling units per acre and minimum lot size of 5,500 square feet. The "B" and "P" Special Area Regulations would remain to ensure compliance with the I-15 Corridor and Fallbrook Design Guidelines and the requirement for a PRD. The reclassifications are required to make the Specific Plan and zoning designations consistent with current County land use standards.

Tentative Map TM 5187RPL¹¹ proposes to develop 48.1 acres with 36.5 acres in an open space lot. It is conditioned to require a Revised Final Map to incorporate six of the residential lots into the main recreational area resulting in 124 residential lots with a minimum lot size of 5,500 square feet and a 2.4-acre (net usable) main recreation area (3.9 gross acres) instead of the 1.8 acre area previously proposed. This area contains a swimming pool, clubhouse, playground, open turf area, putting green, tennis court and parking. The second proposed recreation area is a private pocket park of about 0.4 acres in size with a BBQ and picnic area, benches and open turf play area. A third passive recreation area is proposed about 0.07-acre in size and would provide a pedestrian linkage for the existing residential development to the south of the project to the project trail system. A private trail available to residents as well as residents of the development to the south is proposed to be about 0.7 mile long. A public trail would be constructed along Old Highway 395. Major Use Permit P04-024 is proposed to implement the PRD requirements and maintain the recreation facilities. Project includes public improvements to the intersection of Old Highway 395 and SR 76, as well as along the project frontage on Pala Mesa Drive and Old Highway 395.

SPA 99-005, R99-020,TM 5187RPL¹¹
and P04-024, Agenda Item 3:

Staff Presentation: Loy

Proponents: 33; **Opponents:** 20

Discussion:

Staff provides a brief history of the Pala Mesa PDP, which covers 421 acres. When adopted, it encompassed the existing Pala Mesa Lodge and Golf Course and associated recreational facilities. The Pala Mesa PDP was amended twice, adding nine more PRD units for a total of 700, and removing 12 acres proposed for two estate residential lots. Six of the eight PRD areas were developed by 1980 with a total of 314 units. Those areas are Pala Mesa Greens, Pala Mesa Country Club Villas, Pala Mesa Oaks, and Pala Mesa Fairway Villas. The project site (Areas C, D and E) is located at the southern end of the PDP area and is the last undeveloped PRD area.

The applicant has proposed a much less dense development than is permitted by the PDP, to allow for a more compatible project with its neighbor to the south. Single-story homes are proposed on the border with the Pala Mesa Village; single- and two-story homes will be mixed to be compatible with the mostly single story homes to the south. Special attention has been paid to the height of the homes, landscaping, wall materials, and the treatment of pedestrian and vehicular travel points at the project boundary with the Pala Mesa Village to ensure compatibility with adjacent development.

As the southern-most development area within the PDP, the project site is isolated from other areas of the PDP by open space, topography, and Pala Mesa Drive. Other residents in the PDP do not enter or travel through the development site, and none of them have views of the project site from their homes. Views of the project from I-15 and Highway 395 will be fleeting and will be of a landscaped berm and wall.

The applicant has proposed recreation facilities and trails similar to or exceeding others already developed in the PDP. The project's required usable open space in Areas C and E exceeds PDP standards, and Area D is proposed to be natural open space because of sensitive habitat.

**SPA 99-005, R99-020,TM 5187RPL¹¹
and P04-024, Agenda Item 3:**

Staff does not believe DPLU should attempt to regulate the interior design of homes, and reminds the Commission that regulations restricting the number of bedrooms are not typically components of Zoning Ordinances or Building Codes. Market demand more appropriately responds to changes in housing needs and desires, and the applicant believes that current home buyers prefer more bedrooms to use for a variety of functions. The applicant's representative voices support of the proposal, as do many residents of the Fallbrook community.

The Fallbrook Planning Group representatives recommend that the proposal be reduced in scale and density. They insist that the proposal be developed in compliance with the PDP and existing zoning. They point out that the proposed block walls were never intended to be allowed in this community. The Planning Commission is urged to either deny this proposal or postpone consideration of it to obtain suitable alternatives. The Commissioners are reminded that residences are now proposed where open space was to be provided, and the proposed amenities are now located offsite. Those opposed to this project believe the two-story residences will completely change the character of the area, and result in increased traffic and degradation of the quality of their lives.

Commissioner Day observes that this proposal is quite an improvement on the previous proposals. He supports the modified-homes alternative and notes that the applicant proposes to provide more parking, more amenities, and larger residences. Commissioner Woods recommends that the percentage of two-story residences be reduced to coincide with the Planning Group's recommendations, to which the applicant agrees.

Commissioner Beck identifies inaccurate statements in Staff's Report regarding the 4(d) rule and impacts to gnatcatcher territories. Commissioner Beck states the proposed project impacts are inconsistent with the 4(d) rule. The 4(d) rule specifies that impacts to Coastal sage scrub are only allowed for low-habitat-value areas, which is not the case in this instance. Commissioner Beck is greatly disappointed that instead of avoiding impacts to Coastal sage scrub and California gnatcatchers, the applicant proposes mitigation for those losses. Commissioner Beck questions why the fire management area is to be located in the proposed open space. Staff clarifies that those arrangements were agreed to by the developers and the wildlife agencies. The agencies reviewed the proposed development footprint and recommended specific mitigation measures that have been incorporated in the conditions of Approval. The applicant's biologist clarifies that the loss of some of the California gnatcatchers on this site was always contemplated, as it was assumed that the Coastal sage scrub was populated and had to be mitigated at a higher ratio. The Commission is assured that there is at least one pair of nesting gnatcatchers on the proposed offsite mitigation land.

**SPA 99-005, R99-020, TM 5187RPL¹¹
and P04-024, Agenda Item 3:**

Action: Day – Brooks

1. Find that the Planning Commission has reviewed and considered the information contained in the Subsequent Environmental Impact Report dated January 2007 on file with the Department of Planning and Land Use prior to making its recommendation on the project;
2. Recommend that the Board of Supervisors take the following actions:
 - a. Adopt the attached Resolution approving the amendment (SPA 99-005) to the Pala Mesa Private Development Plan which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan;
 - b. Adopt Form of Ordinance changing the zoning classification of certain property – R04-024”;
 - c. Adopt the Resolution approving TM 5187RPL¹¹, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law;
 - d. Grant Major Use Permit P04-024, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law; and
 - e. The applicant is to ensure that 50% of the homes are single-story.

Ayes: 6 - Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes: 1 - Beck
Abstain: 0 - None
Absent: 0- None

SPA 04-005 and P86-045W⁴, Agenda Item 3:

4. Church of Nativity; Major Use Permit Modification - P86-045W4 and Specific Plan Amendment - SPA 04-005, San Dieguito Community Planning Area

The project proposes a Major Use Permit Modification to allow for the construction of an 11,967 square-foot gymnasium and a 906 square-foot art classroom within the existing Church of Nativity religious assembly complex. A Specific Plan Amendment will also be considered by the Board of Supervisors to remove the 800 square-foot limitation on accessory structures and to limit the use of such structures to school purposes only. The 8.63-acre site is located at 6309 El Apajo Road. The General Plan Land Use Designation for the site is (21) Specific Plan Area and the project is within the adopted El Apajo Specific Plan Area. The property is zoned S88 Specific Planning Area Use Regulation and is subject to the "F" Floodplain Special Area Regulations.

Staff Presentation: Grunow

Proponents: 2; **Opponents:** 0

Discussion:

In response to questions from Commissioner Beck concerning existing traffic congestion at several intersections, DPW representatives indicate that improvements to traffic circulation at those intersections will be addressed via the TIF and several of its programs, and that Level of Service will not be reduced.

Action: Day – Riess

1. Recommend that the Board of Supervisors:
 - a. Adopt the resolution approving SPA 04-005, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan;
 - b. Grant Major Use Permit P86-045W4, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State Law; and

SPA 04-005 and P86-045W⁴, Agenda Item 3:

2. Find that, prior to making its recommendation on the project, the Planning Commission reviewed and considered the Addendum to the previously adopted Negative Declaration for the Church of Nativity dated February 2, 2007 on file with the Department of Planning and Land Use.

Ayes:	6 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Woods (out at 12:25 p.m.)

Administrative:

E. Director's Report:

- Business Process Reengineering, Phase II (Gibson)

This Item will be placed on the March 23, 2007 Planning Commission Agenda.

F. Report on actions of Planning Commission's Subcommittees:

There were none.

G. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

No one was designated to attend the March 21, 2007 Board of Supervisors meeting.

H. Discussion of correspondence received by the Planning Commission:

There was none.

Department Report

I. Scheduled Meetings:

March 23, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 6, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 20, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 4, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 18, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 1, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 15, 2007	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 12:38 p.m. to 9:00 a.m. on March 23, 2007 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.